

AMENDED IN ASSEMBLY SEPTEMBER 1, 2005

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN ASSEMBLY AUGUST 15, 2005

AMENDED IN ASSEMBLY JUNE 27, 2005

SENATE BILL

No. 586

Introduced by Senator Romero

(Principal coauthors: Assembly Members Bass and Goldberg)

(Coauthor: Senator Chesbro)

(Coauthors: Assembly Members Chan and Pavley)

February 18, 2005

An act to amend Sections 60851 and 60852.5 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 586, as amended, Romero. High school exit examination: pupils with disabilities.

Existing law requires, commencing with the 2003-04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

Existing law requires the Superintendent of Public Instruction to develop, and the State Board of Education to approve, by January 31, 2004, a request for a proposal for an independent consultant to assess options and provide recommendations for alternatives to the high school exit examination for a pupil with a disability to be eligible for a high school diploma. Existing law requires the independent consultant to be selected by a selection panel by April 30, 2004. Existing law requires the independent consultant to disseminate a final

report, as specified, to certain entities, including the Legislature, by May 1, 2005. Existing law authorizes the Superintendent, upon approval of an expenditure plan by the Department of Finance and the Joint Legislative Budget Committee, to provide funds to implement the recommendations of the independent consultant.

This bill would condition the statewide implementation of an alternative or alternatives to the high school exit examination for a pupil with a disability upon the Superintendent making specified findings. The bill would exempt a pupil with a disability from the requirement that he or she successfully pass the high school exit examination as a condition of receiving a standard high school diploma or as a condition of graduation from high school, until the Superintendent has implemented an alternative or alternatives to the high school exit examination on a statewide basis.

This bill would declare that the Legislature finds that this act implements the settlement agreement in the case of Chapman v. California Department of Education, et al.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60851 of the Education Code is
2 amended to read:

3 60851. (a) Commencing with the 2003-04 school year and
4 each school year thereafter, each pupil completing grade 12 shall
5 successfully pass the *high school* exit examination as a condition
6 of receiving a diploma of graduation or a condition of graduation
7 from high school. Funding for the administration of the exit
8 examination shall be provided for in the annual Budget Act. The
9 Superintendent shall apportion funds appropriated for this
10 purpose to enable school districts to meet the requirements of this
11 subdivision and subdivisions (b), (c), (d), and (e). The ~~State~~
12 ~~Board of Education~~ *state board* shall establish the amount of
13 funding to be apportioned per test administered, based on a
14 review of the cost per test.

15 (b) Each pupil shall take the high school exit examination in
16 grade 10 beginning in the 2001-02 school year and may take the
17 examination during each subsequent administration, until each
18 section of the examination has been passed.

(c) At the parent or guardian's request, a school principal shall submit a request for a waiver of the requirement to successfully pass the high school exit examination to the governing board of the school district for a pupil with a disability who has taken the high school exit examination with modifications that alter what the test measures and has received the equivalent of a passing score on one or both subject matter parts of the high school exit examination. A governing board of a school district may waive the requirement to successfully pass one or both subject matter parts of the high school exit examination for a pupil with a disability if the principal certifies to the governing board of the school district that the pupil has all of the following:

(1) An individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 (a)) in place that requires the accommodations or modifications to be provided to the pupil when taking the high school exit examination.

(2) Sufficient high school level coursework either satisfactorily completed or in progress in a high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the high school exit examination.

(3) An individual score report for the pupil showing that the pupil has received the equivalent of a passing score on the high school exit examination while using a modification that fundamentally alters what the high school exit examination measures as determined by the ~~State Board of Education~~ *state board*.

(d) Subdivision (a) applies to a pupil with a disability only if the Superintendent has implemented an alternative or alternatives to the high school exit examination pursuant to Section 60852.5. Until the Superintendent has implemented an alternative or alternatives to the high school exit examination pursuant to Section 60852.5, a pupil with a disability who is otherwise eligible to graduate from high school shall receive a standard high school diploma regardless of whether the pupil has passed the high school exit examination, and the passage of that exam shall not be a condition of graduation from high school for that pupil.

(e) The high school exit examination shall be offered in each public school and state special school that provides instruction in grades 10, 11, or 12, on the dates designated by the Superintendent. An exit examination may not be administered on any date other than those designated by the Superintendent as examination days or makeup days.

(f) The results of the high school exit examination shall be provided to each pupil taking the examination within eight weeks of the examination administration and in time for the pupil to take any section of the examination not passed at the next administration. A pupil shall take again only those parts of the examination he or she has not previously passed and may not retake any portion of the exam that he or she has previously passed.

(g) Supplemental instruction shall be provided to any pupil who does not demonstrate sufficient progress toward passing the high school exit examination. To the extent that school districts have aligned their curriculum with the state academic content standards adopted by the ~~State Board of Education~~ *state board*, the curriculum for supplemental instruction shall reflect those standards and shall be designed to assist the pupils to succeed on the high school exit examination. This chapter does not require the provision of supplemental services using resources that are not regularly available to a school or school district, including summer school instruction provided pursuant to Section 37252. In no event shall any action taken as a result of this subdivision cause or require reimbursement by the Commission on State Mandates. Sufficient progress shall be determined on the basis of either of the following:

(1) The results of the assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 and the minimum levels of proficiency recommended by the ~~State Board of Education~~ *state board* pursuant to Section 60648.

(2) The grades of the pupil and other indicators of academic achievement designated by the school district.

SEC. 2. Section 60852.5 of the Education Code is amended to read:

60852.5. (a) By January 31, 2004, the Superintendent shall develop, and the ~~State Board of Education~~ *state board* shall approve, a request for a proposal for an independent consultant to

1 assess options and provide recommendations for alternatives to
2 the high school exit examination for pupils with disabilities to be
3 eligible for a high school diploma. By April 30, 2004, an
4 independent consultant shall be selected by a selection panel
5 consisting of one representative appointed by each of the
6 following persons and entities:

- 7 (1) The President pro Tempore of the Senate.
- 8 (2) The Speaker of the Assembly.
- 9 (3) The Legislative Analyst's Office.
- 10 (4) ~~The State Department of Education~~ *department*.
- 11 (5) The Department of Finance.

12 (b) The independent consultant should possess expertise on the
13 federal Individuals with Disabilities Education Act (20 U.S.C.
14 Sec. 1400 et seq.) and applicable state law, as well as assessment
15 methodologies concerning pupils with disabilities.

16 (c) The independent consultant shall, in consultation with the
17 advisory panel established pursuant to Section 60852.6, prepare a
18 report that does all of the following:

19 (1) Recommends options for graduation requirements and
20 assessments for pupils who are individuals with exceptional
21 needs, as defined in Section 56026, or who are disabled, as
22 defined in Section 504 of the federal Rehabilitation Act of 1973
23 (29 U.S.C. Sec. 794).

24 (2) Identifies those provisions of state and federal law and
25 regulation that are relevant to graduation requirements and
26 assessments for pupils who are individuals with exceptional
27 needs.

28 (3) Recommends the steps that would be taken to bring
29 California into full compliance with the state and federal law and
30 regulations that are identified pursuant to paragraph (2).

31 (d) The independent consultant shall provide the advisory
32 panel established pursuant to Section 60852.6 with a preliminary
33 report of findings and shall include the concerns and
34 recommendations of the advisory panel in a final report. The
35 final report shall be disseminated to the members of the advisory
36 panel, the Legislature, the Legislative Analyst's Office, the
37 Department of Finance, ~~the State Department of Education~~
38 *department*, and interested parties no later than May 1, 2005.

39 (e) The Superintendent may, upon approval of an expenditure
40 plan by the Department of Finance and the Joint Legislative

1 Budget Committee, provide funds for the purposes of
2 implementing the recommendations provided pursuant to
3 subdivision (c).

4 (f) Before the Superintendent implements an alternative or
5 alternatives to the high school exit examination, pursuant to the
6 recommendations of the independent consultant in the final
7 report, the Superintendent shall make all of the following
8 findings, supported by evidence:

9 (1) The alternative assessment measures content and
10 performance standards equivalent to the high school exit
11 examination. ~~The State Department of Education~~ *department*
12 shall develop and implement a research agenda on the technical
13 adequacy of the alternative assessment or assessments, focused
14 on reliability, validity, and equivalence, for purposes of making
15 the determination required by this paragraph.

16 (2) The alternative assessment is affordable and cost effective.

17 (3) The alternative assessment can be implemented equally
18 and fairly across the diverse demographics of the state.

19 (4) The successful passage of the alternative assessment by a
20 pupil with a disability results in the receipt of a standard diploma
21 of graduation by that pupil.

22 *SEC. 3. The Legislature finds and declares that this act*
23 *implements the settlement agreement in the case of Chapman v.*
24 *California Department of Education, et al. (Super. Ct., Alameda,*
25 *No. 2002049636).*